

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|--------------------------------|---|------------------------|
| GINA BERNACCHI, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 1:23-cv-16091 |
| |) | |
| FIRST CHICAGO INSURANCE |) | |
| COMPANY, and CHICAGO SEVEN CAB |) | |
| INC., |) | |
| |) | |
| Defendants. |) | |

**MOTION OF FIRST CHICAGO INSURANCE COMPANY
FOR JUDICIAL NOTICE OF SUPPLEMENTAL UNCONTROVERTED FACTS**

Defendant FIRST CHICAGO INSURANCE COMPANY (“First Chicago”), by and through undersigned counsel, moves this Court to take judicial notice of an uncontroverted fact, pursuant to Rule 201 of the Federal Rules of Evidence, and states as follows:

1. On or about July 2, 2024, Plaintiff, Gina Bernacchi cashed a check from First Chicago for \$350,000.00, in exchange for a mutual release following years of litigation.
2. Rule 201 of the Federal Rules of Evidence provides, in relevant part, as follows:

Rule 201. Judicial Notice of Adjudicative Facts

(b) **Kinds of Facts That May Be Judicially Noticed.** The court may judicially notice a fact that is not subject to reasonable dispute because it:

- (1) is generally known within the trial court’s territorial jurisdiction; or
- (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

(c) **Taking Notice.** The court:

- (1) may take judicial notice on its own; or

(2) must take judicial notice if a party requests it and the court is supplied with the necessary information.

(d) **Timing.** The court may take judicial notice at any stage of the proceeding.

(e) **Opportunity to Be Heard.** On timely request, a party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed. If the court takes judicial notice before notifying a party, the party, on request, is still entitled to be heard.

3. There is currently pending before this Court First Chicago's Motion to Dismiss pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure.

WHEREFORE, Defendant FIRST CHICAGO INSURANCE COMPANY respectfully requests that this Court take judicial notice of the fact that Gina Bernacchi cashed the check for \$350,000.00 in exchange for a mutual release, and for any such other and further relief as this Court deems just and appropriate in the circumstances.

Dated: July 25, 2024

Respectfully Submitted,

FREEMAN, MATHIS & GARY, LLP

By: /s/ Donald Patrick Eckler

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